

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RAYMOND FRANK JOSEPH,

Plaintiff,

Case No. 23-cv-11824

Hon. Matthew F. Leitman

v.

ORKIN, LLC, *et al.*,

Defendants.

---

**ORDER (1) GRANTING IN PART AND DENYING IN PART  
DEFENDANTS' MOTION TO DISMISS (ECF No. 2) AND (2) GRANTING  
PLAINTIFF LEAVE TO FILE A FIRST AMENDED COMPLAINT**

On November 29, 2023, the Court held a hearing on Defendants' motion to dismiss. (*See* Mot., ECF No. 2.) For the reasons explained on the record during the motion hearing, **IT IS HEREBY ORDERED** as follows:

- Defendants' motion is **GRANTED** with respect to Plaintiff's breach of contract claim;
- Defendants' motion is **DENIED** with respect to Plaintiff's negligence claim;
- Defendant Rollins, Inc. is **DISMISSED** from this action based on the stipulation of the parties; and
- Plaintiff is granted **LEAVE** to file a First Amended Complaint. Plaintiff shall file his First Amended Complaint by no later than **December 15, 2023**.

Defendant Orkin, LLC shall answer or otherwise respond to the First Amended Complaint by no later than **January 12, 2024**.

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: November 29, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on November 29, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan  
Case Manager  
(313) 234-5126